

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY D. REAVES, #170656,

Plaintiff,

v.

CASE NO. 05-CV-72595-DT  
HONORABLE VICTORIA A. ROBERTS

MICHIGAN DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

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**ORDER DENYING PLAINTIFF'S PETITION FOR REHEARING**

This matter is before the Court on Plaintiff's petition for rehearing concerning the Court's dismissal of his civil rights complaint for failure to demonstrate exhaustion of administrative remedies. Plaintiff states that he has exhausted his administrative remedies and attaches some grievances and documents to his motion which were not included in his original complaint.

The Court, however, may not permit Plaintiff to amend his complaint to comply with the exhaustion requirement and defeat dismissal under 28 U.S.C. § 1915(e)(2). *See Baxter v. Rose*, 305 F.3d 486, 488-89 (6<sup>th</sup> Cir. 2002) (citing *McGore v. Wrigglesworth*, 114 F.3d 601, 612 (6<sup>th</sup> Cir. 1997)); *see also Moniz v. Hines*, 2004 WL 259214, \*4 (6<sup>th</sup> Cir. Feb. 10, 2004) (unpublished). Additionally, to the extent Plaintiff seeks reconsideration of the Court's dismissal of his action, he is not entitled to relief. A motion for reconsideration which presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. *See*

*Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3). Furthermore, because the Court dismissed Plaintiff's complaint without prejudice, there is no manifest injustice to justify reconsideration of the dismissal order. Plaintiff retains the opportunity to file a properly pleaded complaint.

Accordingly, Plaintiff's petition for rehearing is **DENIED**.

**IT IS SO ORDERED.**

S/Victoria A. Roberts  
Victoria A. Roberts  
United States District Judge

Dated: August 25, 2005

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on August 25, 2005.

s/Carol A. Pinegar  
Deputy Clerk